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UNITED STATES
DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESEARCH ADMINISTRATION
BUREAU OF ANIMAL INDUSTRY



Regulations Governing the
ANIMAL FOODS
INSPECTION
of the United States
Department of Agriculture X



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Regulations Governing the
ANIMAL FOODS
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Department of Agriculture



(Code of Federal Regulations, Title 9, Chapter I, Subchapter G)

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TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter G—Inspection of Animal Foods

PART 155—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA: INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

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AUTHORITY : §§ 155.1 to 155.40 issued under sec. 1, 60 Stat. 290, as amended, sec. 205, 60 Stat. 1090 ; 7 U. S. C. and Sup., 414, 7 U. S. C. 1624. Interpret or apply sec. 203, 60 Stat. 1087 ; 7 U. S. C. 1622.

DEFINITIONS

§ 155.1. *Meaning of words.*—Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 155.2. *Terms defined.*—When used in this part unless otherwise distinctly expressed or manifestly incompatible with the intent thereof.

(a) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(b) "Division" means the Animal Foods Inspection Division of the Bureau of Animal Industry of the United States Department of Agriculture.

(c) "Inspector in charge" means an inspector of the division assigned to supervise and perform official work at an official station. Such inspector is assigned by and reports directly to the chief of the division or other person designated by him.

(d) "Inspector" means an inspector of the division.

(e) "Inspected plant" means any plant preparing certified products for dogs, cats, or other carnivora, at which inspection is maintained under the regulations contained in this part.

(f) "Official station" means one or more inspected plants assigned to an inspector in charge.

(g) "32 percent component" means a product containing animal protein and other elements normal to the component for use in compounding a maintenance food for dogs, cats, and other carnivora.

(h) "Products" means the products for dogs, cats, and other carnivora marked, or to be marked, with the certification provided in this part.

(i) "Meat" means the U. S. inspected and passed and so identified clean, wholesome muscle tissue of cattle, sheep, swine, or goats which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus with or without the accompanying

and overlying fat and the portions of skin, sinews, nerves, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. It does not include the muscle found in the lips, snout, or ears.

(j) "Meat byproduct" means the U. S. inspected and passed and so identified clean, wholesome part other than meat which has been derived from one or more cattle, sheep, swine or goats.

(k) "Horse meat" means the U. S. inspected and passed and so identified clean, wholesome muscle tissue of horses which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat and the portions of sinews, nerves, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing.

(l) "Horse meat byproduct" means the U. S. inspected and passed and so identified clean, wholesome part, other than horse meat, which has been derived from horses.

(m) "Bone" means the U. S. inspected and passed and so identified clean, wholesome bone which has been derived from cattle, sheep, swine, goats, or horses.

SCOPE OF INSPECTION SERVICE

§ 155.3 *Plants eligible for inspection.*—Upon application, inspection may be granted at a plant where products are to be prepared, when the chief of the division has determined that the application conforms to and the plant meets with the requirements of this part.

APPLICATION FOR INSPECTION, CERTIFICATION, AND IDENTIFICATION

§ 155.4 *Application.*—The owner or operator of any plant of the kind specified in § 155.3 may apply to the

chief of the division for inspection, certification, and identification. In cases of change of ownership or change of location, new applications shall be made.

§ 155.5 *Drawings.*—Triplicate copies of complete drawings with specifications, consisting of floor plans showing the locations of such features as the principal pieces of equipment, floor drains, principal drainage lines, hand-washing basins, and hose connections for clean-up purposes; elevations; roof plans when necessary to show size and location of skylights and the like; cross and longitudinal sections of the various buildings, showing such features as principal pieces of equipment, heights of ceilings, conveyor rails, and character of floors, walls, and ceilings; and a plot plan showing relationship of various departments and structures of the plants, properly drawn to scale, shall accompany applications. Where complete approved drawings and specifications are available in the files of the Meat Inspection Division, Bureau of Animal Industry, U. S. Department of Agriculture, covering a plant operating under the supervision of that division, it will not be necessary that drawings and specifications accompany an application made under this part for inspection at such plant.

§ 155.6 *Review of applications.*—The chief of division will determine whether applications shall be granted or refused.

INAUGURATION OF INSPECTION

§ 155.7 *Inauguration of inspection.*—When an application for inspection, certification, and identification is granted, the inspector in charge shall, at or prior to the inauguration of inspection, inform the owner or operator of the plant of the requirements of the regulations contained in this part. Inspection shall not be begun if a plant is not in a sanitary condition. The applicant shall adopt and enforce all necessary measures and shall comply with all such directions as the

inspector in charge may prescribe for carrying out the purposes of this part.

§ 155.8 *Official number.*—To each plant granted inspection an official number shall be assigned. Such number shall be preceded by the letter "A" and used to identify all certified products prepared in the plant.

§ 155.9 *Numbers granted same ownership or control.*—Two or more official plants under the same ownership or control may be granted the same official number, provided a serial letter is added after the number in each case to identify the plant.

§ 155.10 *Assignment of inspectors.*—The chief of the division shall designate an inspector in charge of the inspection at each official station and assign to him such assistants as may be necessary.

FEES

§ 155.11. *Charge for survey.*—Applicants for the inspection, certification, and identification shall reimburse the department for salary, travel cost, per diem allowance, and the like, expended incidental to any survey of the premises for which the inspection is requested, and in connection with any review of plans which may be made.

§ 155.12. *Charge for service.*—For each man hour of inspection service extended to an inspected plant under this part, a fee of \$3.00 shall be charged to the applicant and be paid to the department by him upon receipt of notice thereof from the department.

SANITATION AND FACILITIES

§ 155.13. *Sanitation.*—Sanitary facilities and accommodations shall be furnished by every inspected plant. Of these the following are specifically required:

(a) Dressing rooms, toilet rooms, and urinals shall be sufficient in number, ample in size, and conveniently located. They shall be properly lighted and ventilated and of sanitary construction. They shall be separate

from the rooms and compartments in which certified products are prepared, stored, or handled.

(b) Modern hand-washing basins, including running hot and cold water, soap and towels shall be placed in or near toilet rooms.

(c) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings and drainage from toilet soil lines shall not be discharged into a grease catchbasin.

(d) Properly located facilities shall be provided for cleansing utensils and hands of all persons handling or preparing any products to be certified.

(e) Equipment and utensils used for preparing any products to be certified shall be of such material and construction as will make them susceptible of being readily and thoroughly cleaned.

(f) Trucks and receptacles used for inedible materials shall be of such construction as to permit ready and thorough cleansing, shall bear a conspicuous and distinctive mark, and shall be used exclusively for handling inedible material.

(g) Rooms, compartments, places, equipment and utensils used for preparing, storing or otherwise handling any certified products, and all other parts of the inspected plant, shall be kept clean. There shall be no handling or storing of materials which creates an objectionable condition in rooms, compartments or places where certified products are prepared, stored or otherwise handled.

§ 155.14. *Facilities*.—Adequate facilities for the preparation and inspection of the products to be certified shall be furnished and maintained by the inspected plant. Of these the following are specifically required:

(a) A room or compartment adequately equipped for locking or sealing shall be provided for holding products prepared for certification or material used in their preparation which are identified as "U. S. retained," and such rooms and compartments shall be conspicuously

marked with the phrase "U. S. retained" prominently displayed.

(b) Adequate facilities, including denaturing materials, for the proper disposal of condemned articles shall be provided.

(c) Rooms or compartments adequate in size and properly equipped for holding samples of canned products prepared for certification under incubation, shall be maintained at the temperature specified in paragraph (i) of § 155.25.

(d) Furnished office room, including light, heat, janitor, and laundry service shall be provided rent free for the exclusive use of the inspector. These facilities shall be set apart for this purpose and provided with lockers suitable for the protection and storage of division supplies. Laundering of inspectors' outer work clothing shall be provided by the management of inspected plants.

§ 155.15. *Inedible operating and storage rooms; outer premises, docks, driveways, etc.; fly-breeding material; nuisances.*—All operating and storage rooms and departments of inspected plants used for inedible material shall be maintained in clean condition, and shall be separate and apart from rooms and departments where certified products are prepared, handled, or stored. Docks and areas where cars and vehicles are loaded, and driveways, approaches, and alleyways shall be properly paved and drained and the outer premises of every inspected plant shall be kept in clean and orderly condition. All catchbasins on the premises shall be of such construction and location and shall be given such attention as will insure their being kept in acceptable condition as regards odors and cleanliness. The accumulation on the premises of any material in which flies may breed, or the maintenance of any nuisance on the premises shall not be allowed.

§ 155.16. *Control of flies, rats, mice, etc.*—Flies, rats, mice, and other vermin shall be excluded from inspected plants and premises.

§ 155.17. *Tagging equipment "U. S. rejected."*—When necessary, inspectors shall attach a "U. S. rejected" tag to any equipment or utensil which is unclean or the use of which would be in conflict with the provisions of this part. No equipment or utensil so tagged shall again be used until made acceptable under this part and until removal of the tag. Such tag shall not be removed from the equipment or utensil by anyone other than an inspector.

§ 155.18. *Drawings and specifications to be furnished.*—Triplicate copies of complete drawings and specifications for remodeling inspected plants or for new structures at such plants shall be submitted to the chief of the division and approval obtained for the plans in advance of construction.

INSPECTION PROCEDURE

§ 155.19. *Inspector to be informed when plant operates.*—The management of an inspected plant shall inform the inspector or the inspector in charge when work in each department has been concluded for the day, and the day and hour when work will be resumed therein. There shall be no preparation of certified products at an inspected plant except under the supervision of an inspector.

§ 155.20. *Inspector to have access to plant at all times.*—For the purpose of examination or inspection necessary to enforce any of the provisions of this part, inspectors shall have access at all times by day or night, whether the plant is being operated or not, to every part of an inspected plant.

§ 155.21. *Products entering inspected plants.*—All products of a kind certified under this part or materials to be used in the preparation of such products when brought into an inspected plant shall be identified and inspected at the time of receipt and be subject to further inspection in such manner and at such time as may be deemed necessary. If, upon inspection, any

such article is found to be unsound or otherwise unfit, it shall be handled as provided in § 155.28.

§ 155.22. *Designation of place of receipt of returned products.*—Certified products returned to an inspected plant shall be received at a dock or place specifically designated for the purpose by the plant management with the approval of the inspector in charge. Such returned products shall be inspected there by the inspector before further entering the plant.

§ 155.23. *Tagging products "U. S. retained."*—A "U. S. Retained" tag shall be placed by an inspector at the time of inspection on all certified products, materials to be used in the preparation of certified products, or containers thereof, whenever such certified products, materials, or containers are suspected of being unsound or otherwise unfit or not in conformity with the requirements contained in this part. Such tags so placed shall not be removed by anyone other than an inspector.

§ 155.24. *Processes to be supervised.*—All processes used in the preparation of the certified products shall be supervised by an inspector. All steps in the process of manufacture shall be conducted carefully and with strict cleanliness. Inspected plants shall not prepare products of a kind certified under this part unless they conform with the regulations contained in this part.

§ 155.25. *Canning with heat processing and hermetically sealed containers; closures; code marking; heat processing; incubation.*—(a) Containers shall be cleaned thoroughly immediately before filling, and precaution must be taken to avoid soiling the inner surfaces subsequently.

(b) The inside surfaces of containers of metal, glass, or other material shall be washed by spraying in an inverted position with running water at a temperature of at least 180° F. The container washing equipment shall be provided with a thermometer to register the temperature of the water used for cleaning the containers.

(c) Perfect closure is required for hermetically sealed containers. Heat processing shall follow promptly after closing.

(d) Careful inspection shall be made of the containers by competent plant employees immediately after closing, and containers which are defectively filled or defectively closed, or which show inadequate vacuum, shall not be further processed until the defect has been corrected. The containers shall again be inspected by plant employees when they have cooled sufficiently for handling after processing by heating. The contents of defective containers shall be condemned unless correction of the defect is accomplished within 6 hours following the sealing of the containers or completion of the heat processing, as the case may be, except that (1) if the defective condition is discovered during an afternoon run the cans of product may be held in coolers at a temperature not exceeding 38° F. under conditions that will promptly and effectively chill them until the following day when the defect may be corrected; and (2) short vacuum or overstuffed cans of products which have not been handled in accordance with the above may be incubated as provided in paragraph (i) of this section in the inspected plant under division supervision, after which the cans shall be opened and the sound products passed.

(e) Canned products shall not be passed unless, after cooling to atmospheric temperature, they show the external characteristic of sound cans; that is, the cans shall not be overfilled, the ends of the cans shall be concave, there shall be no bulging of the cans, the sides and ends of the cans shall conform to the products, and there shall be no slack or loose tin in the cans.

(f) All canned products shall be plainly and permanently marked on the containers by code or otherwise with the identity of the contents and date of canning. The code used and its meaning shall be on record in the office of the inspector in charge before use.

(g) The canned products must be processed at such temperature and for such period of time as will assure keeping without refrigeration under usual conditions of storage and transportation as evidenced by the incubation test.

(h) Lots of canned products shall be identified during their handling preparatory to and during heat processing by tagging the baskets or cages in which the cans are being conveyed, with a tag which will change color on going through the heat processing or by other effective means so as to insure the proper channeling of the products for effective heat processing after closing the cans.

(i) Facilities shall be provided to incubate at least representative samples of the fully processed canned products. The incubation shall consist of holding the canned products for at least 10 days at about 98° F. The extent to which incubation tests shall be required by inspectors depends on conditions such as the record of the inspected plant in conducting canning operations, the extent to which the plant furnishes competent supervision and inspection in connection with the canning operations, the character of the equipment used, and the degree to which such equipment is maintained at maximum efficiency. Such factors shall be considered by the inspector in charge in determining the extent of incubation testing at a particular plant. In the event of failure by an inspected plant to provide suitable facilities for incubation of test samples, the inspector in charge may require holding of the entire lot under such conditions and for such period of time as may, in his discretion, be necessary to establish the stability of the canned products. The inspector in charge may permit lots of canned certified products to be shipped from the inspected plant prior to completion of sample incubation when he has no reason to suspect unsoundness in the particular lots, and under circumstances which will assure the return of the prod-

ucts to the plant for inspection should such action be indicated by the incubation results.

§ 155.26 *Samples of certified products, ingredients, etc., to be taken for examination.*—Samples of certified products, water, chemicals, flavorings or other articles in an inspected plant shall be taken without cost to the division for an examination as often as may be deemed necessary for the efficient conduct of the inspection. The frequency of sampling shall be determined by the needs of the inspection.

§ 155.27 *Reports of violations of regulations.*—Inspectors shall report to the inspector in charge violations of or failures to conform with these regulations which occur at inspected plants, and the inspector in charge shall report the same to the chief of the division.

DISPOSAL OF CONDEMNED MATERIAL

§ 155.28 *Unfit material to be condemned.*—Any certified products, or ingredients intended for use therein, which are decomposed or adulterated or otherwise unsound or unfit for use shall be condemned and destroyed, except that if the adulteration is such as will not preclude their legitimate use for some purpose other than the preparation of the certified products, they may be released by authorized inspectors for such other purpose for disposition under the supervision of the proper local, State, or Federal official. The operator of the inspected plant shall make such arrangement as may be necessary with the proper officials for the disposition of the article.

COMPOSITION OF CERTIFIED PRODUCTS

§ 155.29 *Composition of canned certified maintenance food.*—(a) Only ingredients which are normal to canned food for dogs, cats, and other carnivora, or are favorable to adequate nutrition, and which are classed by the chief of the division as conforming with

requirements contained in this part shall be used in the preparation of certified maintenance food.

(b) Not less than 30 percent of meat or meat byproduct, or both, or of horse meat or horse meat byproduct, or both, shall be used in the preparation of canned certified maintenance food. The uncooked weight of the meat or meat byproduct, or both, or of horse meat or horse meat byproduct, or both, shall be used in the calculation, and the percentage shall be obtained by relating this weight to the total weight of the certified maintenance food.

(c) Certified maintenance food shall contain not less than 10 percent of protein.

(d) Certified maintenance food shall contain a level of minerals and vitamins generally recognized to be essential to the nutritional value of the food.

(e) Vegetables and grains and their derivatives, used as ingredients of certified maintenance food, shall be of good quality, shall be free from discoloration, mold, smut, and insect infestation, and shall be otherwise sound and clean.

(f) Inedible material such as tankage, dried blood, bonemeal, and the like shall not be used as ingredients of certified maintenance food.

§ 155.30. *Composition of canned or fresh frozen certified 32 percent component.*—(a) Certified 32 percent component shall contain not less than 95 percent of meat or meat byproduct, or both, or of horse meat or horse-meat byproduct, or both.

(b) Certified 32 percent component shall have added thereto a sufficient amount of fresh ground bone or other acceptable agent to satisfy the requirements of the regulations promulgated under the Meat Inspection Act (34 Stat. 1260), as amended (21 U. S. C. 71 et seq.), and the Horse Meat Act (41 Stat. 241; 21 U. S. C. 96), in order to insure decharacterization of the product for human food purposes.

(c) Certified 32 percent component may contain not more than 3 percent wheat flour or other processing aid

acceptable to the chief of the division, which shall be of good quality, shall be free from insect infestation, and shall be otherwise sound and clean.

(d) Certified 32 percent component shall contain no added moisture.

(e) Certified 32 percent component shall contain not less than 15 percent protein.

(f) Certified 32 percent component shall contain not less than 3 percent fat.

SUPERVISION

§ 155.31. *Supervision by inspector.*—No container which bears or is to bear a label as provided for under this part shall be filled in whole or in part except with certified products which have been inspected in compliance with this part, which are sound, healthful, wholesome, and otherwise fit for dogs, cats, and other carnivora, and which are strictly in accordance with the statements on the label. No such containers shall be filled in whole or in part and no such label shall be affixed thereto except under the supervision of an inspector.

LABELING

§ 155.32. *Labeling required.*—Each container of inspected and certified products shall have affixed thereto a label bearing the following information, prominently displayed :

(a) The name of the product, the ingredient statement, and the statement of certification, in the manner provided by subparagraphs (1), (2), and (3) of this paragraph in the case of canned certified maintenance food, and in the manner provided by subparagraphs (4), (5), and (6) of this paragraph in the case of canned or fresh frozen certified 32 percent component.

(1) The name of the canned certified maintenance food shall consist of words such as "dog food," "cat food," "dog and cat food," or "fox food," accompanied

with such references to optional ingredients as may be required by the chief of the division under this part.

(2) The word "ingredients," followed by a complete list of ingredients of the food in the order of their predominance and by their common or usual names, shall appear on the label with the name of the certified maintenance food.

(3) The statement of certification for canned certified maintenance food shall appear on the label in the form shown herewith, except that the plant number



need not appear with the statement of certification when such number is embossed on the sealed metal container as provided in § 155.33.

(4) The name of the canned or fresh frozen 32 percent component shall be the true name, such as "meat," "horse meat," etc., and there shall appear, contiguous to the name of the product, the name of the decharacterizing agent used, followed by the word "added," as, for example, "bone added."

(5) When wheat flour or other processing aid is added to the canned or fresh frozen 32 percent component, there shall appear on the label, with the name of the decharacterizing agent, in predominating order, the name of the processing aid, as, for example, "Wheat flour and bone added" or "Bone and wheat flour added."

(6) A statement of certification for canned or fresh frozen 32 percent component shall appear on the label in the form shown herewith, except that the plant

number need not appear with the statement of certification when such number is embossed on the sealed metal container as provided in § 155.33.



PLANT A-

(b) A statement of the quantity of contents of the container, representing in terms of avoirdupois weight the quantity of product in the container.

(c) The name and place of business of the manufacturer, packer, or distributor. The name under which inspection is granted to a plant may appear without qualification on the label of a product prepared by that plant. When the certified product is not prepared by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such person has with the product as, for example, "Prepared for-----."

§ 155.33. *Plant number to be embossed on metal containers.*—The official number assigned to an inspected plant under § 155.8 shall be embossed on all sealed metal containers of certified products filled in such plant, except that such containers which bear labels lithographed directly on the container and in which the plant number is incorporated need not have the plant number embossed thereon. Labels and embossed code identification shall be affixed so as not to obscure the embossed plant number.

§ 155.34. *Labels, approval of, by chief of division.*—
(a) Except as provided in paragraph (c) of this section,

no label shall be used on any container of certified products until it has been approved by the chief of the division. For the convenience of the inspected plant, sketches or proofs of proposed labels may be submitted in triplicate through the inspector in charge to the chief of the division for approval, and the preparation of the finished labels deferred until such approval is obtained. All finished labels shall be submitted in quadruplicate through the inspector in charge to the chief of the division for approval. In the case of lithographed labels, paper take-offs in lieu of sections of the metal containers shall be submitted for approval. Such paper take-offs shall not be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved.

(b) Inserts, tags, liners, pasters, and like devices containing printed or graphic matter for use on, or to be placed within, containers and coverings of certified products shall be submitted for approval in the same manner as provided for labels in paragraph (a) of this section, except that inspectors in charge may permit the use of such devices if they contain no reference to the certified products and bear no misleading feature.

(c) Stencils, labels, box dies, and brands may be used on shipping containers, including tierces, barrels, drums, boxes, crates, and large-size fiberboard containers, without the approval by the chief of the division, provided the markings are applicable to the certified products, are not false or deceptive, and are used with the approval of the inspector in charge.

(d) No certified product and no container thereof shall be labeled with any false or deceptive term, and no statement, word, picture, design, or device which conveys any false impression or gives any false indication of the origin, quality, or quantity of the product shall appear on any label.

§ 155.35. *Label information to be displayed on principal panel.*—The label information required by § 155.32

shall be displayed on the principal panel or panels of the label except that label information other than the name of the product and the ingredient statement may be displayed on a panel immediately adjacent to the principal panel or panels if such supplemental panel consists of at least 20 percent of the label and is reserved exclusively for required labeling information.

§ 155.36. *Obsolete labels.*—At least once each year, each inspected plant shall submit to the chief of the division, in quadruplicate, a list of approvals for labels that have become obsolete, accompanied by a statement that such approvals are no longer desired. The approvals shall be identified by the number, the date of approval, and the name of the product.

§ 155.37. *Alteration or imitation of statements of certification.*—The statements of certification provided for by § 155.32 (a) (3) and (6) shall not be altered, defaced, imitated, or simulated in any respect or used for the purpose of misrepresentation or deception.

PENALTIES

§ 155.38. *Withdrawal of service.*—After opportunity for hearing before a proper official of the Department has been accorded, the operator of an inspected plant, the inspection, certification, and identification provided for in this part may be withdrawn from such plant if the operator (a) persistently fails to comply with any provision of the regulations in this part or of instructions or directions issued thereunder; (b) makes any willful misrepresentation or engages in any fraudulent or deceptive practice in connection with the making of any application for service; (c) violates § 155.37; or (d) interferes with or obstructs any division employee in the performance of his duties under the regulations in this part by intimidation, threats, or other improper means. Pending final determination of the matter, the chief of division may suspend such inspection, certification, and identification without

hearing in cases of willfulness or those in which the public health, interest, or safety requires such action. In other cases, prior to the institution of proceedings for any withdrawal or suspension, the facts or conduct which may warrant such action shall be called to the attention of the operator in writing and he shall be given an opportunity to demonstrate or achieve compliance with the requirements of the regulations in this part and instructions and directions issued thereunder.

APPEALS

§ 155.39. *Appeals from decisions made under this part.*—Any appeal from a decision by an employee of the division shall be made to his immediate superior having jurisdiction over the subject matter of the appeal.

REPORTS

§ 155.40. *Plants to furnish information for reports.*—Each day the operator of every inspected plant shall furnish the inspector assigned to that plant with a statement of the number of pounds of product certified by the inspector.



